

Remarks

Preliminary Matters

No Claims have been added. No additional fees are required. If determined otherwise, the Office is authorized to charge Deposit Account No. 07-1077 for the amount.

Response to Restriction Requirement

Applicant confirms election of Claims 1-5 with traverse, because the search for a method that forms an article is likely to also reveal the structure and function of that article. Nonetheless, Applicant has indicated Claims 6-9 as withdrawn, either for restoration upon petition and suitable conforming amendments or in favor of a possible divisional patent application in due course.

§ 103 Rejections

Applicant has responded to the rejection of

Claims 1, 4, and 5 in view of U.S. Pat. No. 3,372,429 (Kato);

Claims 2 and 3 in view of the asserted combination of Kato with U.S. Pat. No. 5,077,331 (Fahey et al.); and

Claim 4 in view of the asserted combination of Kato with the Irwin "Blow Molding" article

by amending Claim 1 to recite with clarity that Applicant has invented, unobviously, a method of making very large blow molded articles from poly(vinyl chloride) compounds. As a point of comparison, the volume range identified in Claim 1 ranges from about 0.1 to 19 gallons liquid capacity. At a minimum, the two larger dimensions of the blow-molded article made by the claimed method are at least 10" x 6", 60 square inches. The claimed method is capable of making very large industrial plastic parts from poly(vinyl chloride) compound.

The Office has relied heavily on Kato to show it was conventional to make double-walled, blow-molded articles. But when it came time for Kato to explain the production process (3:65 - 4:55), Kato disclosed the use of polyethylene, not poly(vinyl chloride). The mere recitation by Kato of poly(vinyl chloride) as a plastic material to be employed (1:55 - 1:61) is speculative by Kato among four other known possibilities and innumerable unknown possibilities.

Significantly, Kato does not teach composition of a compound, size of the resulting article, and a parison test, etc. which Applicant has specified in his claims. There is no teaching or suggestion that Kato was considering using a blow-molding method that used poly(vinyl chloride) compound to make a double-walled article having a size in two dimensions of an area of at least 60 square inches. Even the Fig. 13(c) does not have a size mentioned nor a composition from which it is made nor the formation of the article in that mold of Fig. 12 from a parison. To presume

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otherwise by the Office employs some hindsight to reconstruct the essence of Applicant's invention.

The Office uses Fahey to show that a poly(vinyl chloride) compound uses processing aid. Applicant acknowledges that reality by the comparison seen in Table 1 of the specification. What Fahey does not disclose or suggest that there is a correlation between relative viscosity of the poly(vinyl chloride) resin and the relative viscosity of the processing aid that achieves the parison test claimed. Table 1 shows 11 examples at various relative viscosities of resin and processing aid. Even though it is conventional from Fahey to have processing aid content of from 2 - 10% by weight (4:50), there is nothing conventional about recognizing the correlation of relative viscosities of resin and processing aid identified in Claim 2 of the claimed method.

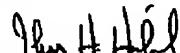
Applicant also challenges the asserted combination of Kato and Fahey, in that neither of them teach or suggest any significance to a particular parison size and its time of formation. Applicant has used the "40 cm parison formation time of at least 40 seconds" as a way of characterizing both a method and a formulation window that neither Kato nor Fahey contemplate.

Irwin discloses much about continuous extrusion blow molding (pp. 450 - 453) but nothing significant to the claimed method about making double-walled large parts from poly(vinyl chloride) compounds. Because Irwin does not supply what Kato lacks, this combination of references falls short of blocking the patentability of Claims 1-5, as amended.

Applicant and his Assignee request an Indication of Allowability of Claims 1-5. Otherwise, the Examiner is invited to contact the Undersigned by telephone.

Respectfully submitted by:

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Date


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